

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

KCI AUTO AUCTION, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 5:17-cv-06086-NKL
)	
ALONZO D. ANDERSON, et al.,)	
)	
Defendants.)	

ORDER

Pending before the Court is KCI Auto Auction, Inc.’s motion to compel non-party Experian Information Solutions, Inc. to comply with KCI’s post-judgment discovery requests. Doc. 171. For the following reasons, the motion is granted.

I. Background

KCI brought this case against Defendants Alonzo Anderson, Angelo Jefferson, Barry Ristick, Danny Ephrem, David Ephrem, Tom Ephrem, J.J. Ephrem, Jason Ephrem, Quality Used Cars, LLC, Lucky 7 Used Cars, L.L.C. and Lucky 7 Discount Auto Sales LLC to collect money owed to KCI on an account established for Lucky 7 Used Cars. Doc. 1 (Complaint). In January 2018, Jefferson, Ristick, Quality Used Cars and three of the Ephrem defendants¹ settled with KCI, and default judgment was entered against Lucky 7 Used Cars and Lucky 7 Discount Auto Sales. Doc. 97; Doc. 100. The Court later granted summary judgment against Anderson. Doc. 115.

KCI is now attempting to collect these judgments and has served the defendants with post-judgment discovery to that end. *See* Doc. 125, Doc. 147. KCI, however, has not received

¹ J.J. and Jason Ephrem were dismissed from the case on stipulation. Doc. 102; Doc. 103

responses. On March 11, 2018, KCI sent notices to each individual defendant stating KCI's intention of serving non-party Experian Information Solutions, Inc. with subpoenas as part of its post-judgment discovery efforts. Doc. 159; Doc. 160; Doc. 161; Doc. 162; Doc. 163; Doc. 164. KCI then served Experian with the subpoenas, which request "[a]ny and all documents, records and information in [Experian's] file and possession, including the Consumer Report and the Credit Report, related or pertaining to the complete credit history and consumer file . . . pursuant to the [Fair Credit Reporting Act]" for each individual judgment debtor. Doc. 169; Doc. 169-1; Doc. 169-2; Doc. 169-3; Doc. 169-4; Doc. 169-5; Doc. 169-6.

None of the defendants have filed a motion to quash or otherwise indicated opposition to the subpoenas. Experian responded directly to KCI with a letter dated March 20, 2019 stating that absent an order signed by the Court, production of the requested documents would violate the Fair Credit Reporting Act. Doc. 171-1. However, Experian also stated it would respond immediately to a subpoena or order signed by a judge. Accordingly, KCI filed a motion to compel production, and sent a copy of the motion to the individual defendants and Experian. Doc. 171. No opposition to the motion has been filed.

II. Discussion

KCI issued the subpoenas pursuant to Federal Rules of Civil Procedure 45 and 69. Rule 45(a) provides for production of "documents, electronically stored information, or tangible things" pursuant to a subpoena. Rule 69(a)(2) provides that a "judgment creditor . . . may obtain discovery from any person . . . as provided in [the Federal Rules]." "Judgment creditors are entitled to the full range of discovery in aid of execution on judgments." *Local 513, Int'l Union of Operating Engineers, AFL-CIO V. Arrow Trenching, Inc.*, No. 09-391, 2009 WL 3698001, at *1 (E.D. Mo. Oct. 27, 2009) (citing *Credit Lyonnais, S.A. v. SGC Int'l., Inc.*, 160 F.3d 428, 430 (8th Cir. 1998)).

KCI states that defendants' consumer and credit reports are needed to collect on the various judgments. The reports will likely confirm the defendants' specific addresses and social security numbers, identify and locate the defendants' assets, and identify and locate financial information, all of which can be used in aid of execution. Therefore, the requested information is relevant to KCI's collection efforts.

Although the Fair Credit Reporting Act limits the permissible purposes of consumer reports, 15 U.S.C. § 1681b, at least one circuit has found that "[a] judgment creditor has a permissible purpose to receive a consumer report on the judgment debtor for use in connection with collection of the judgment debt." *Pintos v. Pac. Creditors Ass'n*, 605 F.3d 665, 676 (9th Cir. 2010) (citing *Hasbun v. Cty. of Los Angeles*, 323 F.3d 801, 803 (9th Cir. 2003)). In this case, KCI is a judgment creditor seeking the consumer reports in connection with the collection judgments entered in this case. Accordingly, KCI has a proper purpose in seeking production from Experian.

III. Conclusion

For the reasons set forth above, Plaintiff's motion to compel, Doc. 171, is granted. KCI is permitted to submit documentation regarding costs and expenses incurred in connection its motion to compel to the Court to be assessed against the defendants.

Experian Information Solutions, Inc. is hereby ordered to produce to KCI, within 10 days of the date of this Order, any and all documents, records and information in Experian's file and possession, without any redaction, including without limitation each Defendant's full Consumer Report and full Credit Report, related or pertaining to the complete credit history and consumer file of each of the following six Defendants:

1. **ALONZO ANDERSON**, whose last known address is 2551 N. Dellrose, Wichita, KS 67207;

2. **ANGELO JEFFERSON**, SSA #XXX-XX-**8638**, whose last known addresses are 8019 E. Orme, Wichita, KS 67207 and 8001 E. Orme, Wichita, KS, 67207;
3. **BARRY RISTICK**, SSA # XXX-XX-**6333**, last known addresses 8002 Peach Tree Ln, Wichita, KS, 67207 and 8002 Mockingbird St., Wichita, KS 67207;
4. **DANNY EPHREM**, last known address being 8002 Peach Tree Ln, Wichita, KS 67207 and 8001 E. Orme, Wichita, KS 67207;
5. **DAVID EPHREM**, SSA # XXX-XX-**5695**, last known address being 8001 E. Orme Wichita, KS 67207 and 8002 Peach Tree Ln, Wichita, KS 67207;
6. **TOM EPHREM**, SSA # XXX-XX-**8356**, last known address being 6502 15th St. N., Wichita, KS, 67207.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: May 3, 2019
Jefferson City, Missouri